

WIFE OF SKIPPER BRAVE CASTAWAY

She Stands Hard Voyage Well
After Schooner Kellogg
Was Lost

Max Schlemmer Is Guarding Bird
Life On Island of
Laysan

(Continued from Page Five)
crew got away only with their clothing
but they had time to get away with
out great danger.

Cast Adrift In Boats

The chronometer, compass, provisions and water were placed in the two boats. At eight o'clock in the morning the decks were afloat, and they left the ship. Six, including the captain, were in the big boat; four were in the small one. This was September 20. Sails were set for both boats and a course was set for Laysan. The small boat was making poor headway in a rough sea and was shipping much water, so she probably would have swamped. All were taken into the big boat and the small was set adrift at six o'clock Monday evening, September 27. Canvas weatherboards were put about the boat and she shipped little water.

At eight o'clock the same evening Laysan was sighted and the castaways made the lee of the island. They lay there that night, with the beach trees, coconut trees and sloop Helene in view; and, at six-thirty o'clock in the morning, they landed on the western side, the only place.

Schlemmer and the boy Eric, twelve years old, hurried down to the beach as the boat neared shore, each with a rifle; but the captain showed the American flag and Schlemmer lowered the gun.

Guarding Birds From Poachers

"I asked him what he was doing there," the captain went on, "and he said he was there to guard the bird-land from poachers. That was all I could get out of him, and I didn't ask whether he had appointment from the government or the work. He told me he had put his daughter ashore on Nihoa when going up, and he had only the one boy and a white man."

When the name of Brand was repeated Captain Lunn said the third man was he. It had been thought here that his boy Otto, nine years old, also was with his father on Laysan.

Sa said was Schlemmer that the Thetis would arrive within three months, or in September, or another ship within four months, about now that Captain Lunn waited at Laysan until October 3, six days, all the while keeping his eyes on the horizon, watching for the cutter. But she did not come, and he arranged with Schlemmer for the sloop. It was planned at first to try to make Honolulu, but the captain decided provisions were too low to risk it—and the crew would not agree unanimously for Honolulu—St. Midway was chosen. Neither was the sloop in proper shape for the long beach east. Before sailing, her decks were repaired a little, for they leaked badly.

The Helene sailed October 3. It was variable winds and calm, confusion and swirls to Midway. The captain had a North Pacific chart and Schlemmer gave him a local chart.

Weather Is Strenuous

"It was bad, disagreeable, and strenuous weather," so the captain described it. "The second night out there was a terrible thunderstorm and a southeast gale. For three hours we lay to with a sea anchor. There would be five or six streaks of chain lightning at once, and then the night would be dark. I never saw such a thunder storm."

The Helene arrived off Midway October 12 and beat up to the passage on the west side of the island, Well's Harbor, and entered October 13. Superintendent Morrison took Mrs. Lunn off in a boat and the Helene was moored.

"I can't say enough for the way Morrison treated us, and on the Troquais to the mate and chief gave up their cabins to Mrs. Lunn and me. And don't forget to say that."

Schlemmer would not permit any of the Kellogg's crew to touch a bird, or even to go among them, and he seems to be living up to his self-imposed duty. There are plenty of turtles, rabbits and fish, and Schlemmer could stay at Laysan indefinitely, just as the castaways would have been forced to do had they not found the sloop there.

Give Schlemmer Provisions

Provisions taken off in the ship's boats from the schooner were water, beef, butter, a few tins of condensed milk, but coffee and sugar were forgotten. Captain Lunn explained some of his pilot's bread, tinned, a loaf of Schlemmer, who had a little biscuit and meat. They gave him some flour, also, and some of the tinned butter. Captain Lunn said there was enough to have gone two days more when he reached Midway. There was a small oil stove on the Helene, with which condensed milk and the beef could be warmed.

How Schlemmer's sloop will be got from Midway is something else again. Max believed he was sure of aid from the government, and told Captain Lunn to cable Captain Brown of the Thetis, who would arrange to care for the sloop. It is probable that the Placencia Ward will tow it back when she goes to Midway and that Schlemmer will be the object of a social cruise by the Thetis to be taken off Laysan.

Mr. Lunn Was Brave

"She stood it like a brick," said the captain, in answering a question as to how Mrs. Lunn stood the hard voyage. The captain confessed to being more than fifty-five years old and Mrs. Lunn is old to have endured the hard times.

The members of the crew, besides the captain and wife, are E. G. Treloar,

MATSONIA WILL BE LATE IN DEPARTING

Will Arrive Here November 10—
Captain Edwards Will Be
Manoa's Master

November 2 will be election day in San Francisco and the Matson steamer Matsonia will be delayed in loading rehouse cargo. Accordingly, she will sail from San Francisco for Honolulu Thursday, November 4, instead of Wednesday, November 3, and will arrive here Wednesday, November 10, instead of the day before. The Matsonia will sail from Honolulu for Laysan in time November 11. This information was received in a cablegram to Castle & Cooke, agents, yesterday.

Smith Goes to Lurline

Capt. Francis M. Edwards took the Matson steamer Lurline to sea yesterday afternoon probably for the last time. Announcements from San Francisco are that he will be in command of the Matson steamer Manoa, vice Capt. Henry F. Weeden, who will not be connected with the company hereafter. Captain Edwards is a young master, twenty-nine years old. He has been master of the Lurline since April, 1914, and prior to that was first officer of the Wilhelmina and Lurline. He was first officer of the Pacific Mail steamer, in which he has been five years. His successor on the Lurline will be Capt. Troel Smith of the Matson steamer Hyades, and Captain Smith will be succeeded by First Officer William M. Lind of the Matsonia, who took the Manoa to San Francisco two weeks ago. There is no word as to the successor of Lind as first officer of the Matsonia.

A cablegram to Castle & Cooke, received yesterday, confirmed prior press dispatches from San Francisco that the Matson line would build a new steamer. She will be built at the Union Iron Works, San Francisco. The other Matson steamers were built at Newport News. By building her at San Francisco the company will be able to make construction more closely make changes as it wishes, and, altogether, turn out a more satisfactory steamer than one built across the continent. The bid of the Union Iron Works for the Matsonia was \$175,000 in excess of that of the Eastern Builders for her. At the time, Captain Matson said that he could pay \$100,000 more to the Union Works, but he balked at \$175,000. Her total cost was \$1,400,000 or \$1,600,000, and the statement that the line would build another Matsonia means the new ship will cost more than the \$1,000,000 price indicated in press dispatches, especially since prices have advanced.

The new ship will be ready in fifteen or sixteen months.

Must Begin With "M"

The name of the new ship is not determined, but the name will begin with "M." When the Matsonia was launched it was said informally that all Matson ships thereafter would have names beginning with that letter, and he Manoa was christened accordingly. There are Hawaiian names already beginning with "M." The Matson line might name her Maui, or Molokai, or Molokini, or Manuaba or Mauna Loa. However, Maui probably would be the most popular name that could be found beginning with "M"; that is, if the Matson company plans to give her a Hawaiian name.

No word has come, either as to the new schedule, or it is too early for that, but it is certain that the four ships now on the run will be maintained as at present. The result will be more frequent calls.

POPULAR ARMY SURGEON RETURNS TO MAINLAND

Capt. William R. Davis, Medical Corps, who for more than two years has been on duty at headquarters, Hawaiian Department, as attending surgeon, returned to the mainland yesterday. He will stand relief from further duty in the Hawaiian Department on December 20.

Captain Davis is well known throughout the Army here and also has many personal friends among the civilians of Honolulu. He is well liked by all with whom he has occasion to come in contact, and it is certain that his departure will be looked upon with regret by his many friends and acquaintances.

The order received by the captain does not designate his new station, but he hopes to receive further orders within the near future which will enlighten him as to where he will be sent.

His first wife, A. Freitas, second wife, A. Tokumoto, and John Bell, donkey man and seaman; G. S. Douglas, A. S. Va. Harry Petty and Max Moore, also accompany him.

The Troquais sailed October 13. Saw out to Midway in four days and twenty-two hours. She sailed from Midway October 21, and came down in the night and seven hours. The first day of the return voyage the weather was good, but then she bucked north-east head winds and the seas opened crests of the deckboards, flooding the wireless apparatus. It had to be dried out and was not back into commission an hour before the ship arrived off Midway. Her master is Capt. R. R. Brown and Chief Boatswain Q. R. Thompson of the Maryland went as navigating officer. The gunner is P. J. Gualach.

Lunn Well Known Here

Captain Lunn was here last in the barkentine Coronado, which he took to sea for Captain Putter. He was master of the old schooner Rosamond, and Aloha and the S. N. Castle in Kala, Kauai's time. Captain Bruce has been here off and on for twenty years in naval vessels. He has had the Troquais since 1908.

Superintendent Morrison and the Midway staff gave five dollars each to a fund for the relief of the Kellogg's crew.

FAITHFUL OFFICIAL ANSWERS LAST CALL

A. E. Murphy, Clerk of Federal
Tribunal, Dead After
Long Illness

Court Adjourns In Respect—Flag
At Half-Staff—Funeral
This Afternoon

A. E. Murphy is dead. He died at his home, 1428 Victoria street, at a quarter-past four o'clock yesterday morning, his long illness lasting about a month. Funeral services will be held at three o'clock this afternoon at the residence, Rev. Father Stephen J. Allen, pastor, curate of the Catholic Church of the Sacred Hearts, Panahou, officiating. Friends of the family are invited. A short private service will be held in Nuuanu cemetery later, where the deceased will be interred.

As soon as news of Mr. Murphy's death was learned the flag over the federal court was lowered to half-staff. The federal court closed for the day yesterday shortly after opening, adjournment being taken until tomorrow, out of respect to the memory of the late clerk of the court. Crepe was hung on the door of the clerk's building and on that of the street leading to the court premises.

Court Adjourns In Respect

"It is with great regret that the court has learned of the death of Mr. Murphy, the clerk of this court, early this morning," said Judge Dole yesterday on the opening of the session. "Mr. Murphy, as we have had occasion thoroughly to know, the jury perhaps somewhat know, was a most able and faithful officer. His long illness has been fought out with a courage and perseverance that I think I have never seen equalled with any one fighting a disease."

The prospect of a complete recovery seemed very favorable until a month ago, it having been over two years since his first attack. About a month ago he had a bad setback and things have been discouraging since that time.

Constant in Duty

"After he was able to attend to duties, after his first attack, he was constant in his attendance on the court with difficulty of mounting the stairs, his infirmity handicapping him in many ways, but for the whole period of two years and more he has faithfully attended to the duties of his position."

A good husband, a good father, a good citizen and a gentleman, the court will adjourn in his honor until Thursday morning at half-past eight o'clock.

The court adjourned.

On learning of the death of the clerk of the federal court Judge Clemons showed much sorrow.

Judge Clemons' Appreciation

"Personally, I am sorry to lose Mr. Murphy not only as an associate in the work of this court but as a friend," he said in an interview with press representatives. "From the beginning of his connection with the office of clerk of the federal court as deputy clerk under Mr. Hatch, I as an attorney at the bar came in close contact with him and found it a pleasure to do business with him."

He was always courteous, considerate and obliging, and ready to accommodate. He was an efficient official, devoting considerable time outside of office hours to making himself well informed in his work.

As a man he was generous, sympathetic, ready to lend a hand in any case or to help the needy. The evidence of high ideals in his work, his loyalty to the court and his good fellowship are pleasant things to think of."

Born in New York City

Augustus Edwards Murphy was born in the City of New York on May 4, 1861, where his family had been in business for five generations. His father was John Murphy and his mother, Anne Hunter, both of American birth. Mr. Murphy's education was received in the higher schools of New York.

Coming to Honolulu in 1887, he became assistant manager of the Arcade, then a flourishing large dry goods business house. He next became assistant manager of Jordan's and later was assistant manager of the plantation store at Kakaia, this island.

On June 13, 1893, Mr. Murphy was married to Miss Katherine E. McLain, a Honolulu girl. With Mrs. Murphy and their only child, Thelma, then only two years of age, Mr. Murphy returned to New York, where they remained some time.

In Business Here

On his return to Honolulu the deceased went into business for himself and opened a shoe store. A year later he was appointed a clerk in the public works department. While in this position, in 1904, official street numbering was made a condition of free postal delivery in Honolulu and this work was performed under the direction of Mr. Murphy.

In August, 1906, Mr. Murphy was appointed by Judge Dole as deputy clerk of the local district court. He succeeded Frank M. Hatch, who had been promoted to be clerk. On November 16, 1908, Mr. Hatch having resigned to accept government service in San Francisco, Mr. Murphy was appointed clerk by Judge Dole. He held his office up to the moment of his death, and it may be said, he died "in harness."

During the past few years he increased his duties as his deputies Foster Leslie Davis and William Leslie Davis, both of whom are still in office. The affairs of the office of the clerk of the federal court will be conducted by Mr. Davis, assisted by Mr. Ross, until Judge Dole and Clemons appoint a successor to the deceased.

Fraternal Society Favorite

The deceased was a member of the Elks, the Knights of Pythias and the

AUGUSTUS E. MURPHY Clerk of Federal Court, Who Died Yesterday Morning



Red Men, and honors will be paid to the memory of a departed member and official by the lodges of these orders today. He was a past exalted ruler and trustee in the Elks' Lodge and a past chancellor of the Knights of Pythias.

Augustus Edwards Murphy was popular and well-known in business, social, church and fraternal circles throughout the Territory and especially in Honolulu. He was possessed of a genial and happy disposition that made him friends and endeared him to all who met and became acquainted with him. He was a genius in amateur theatricals and in former years his services were often sought in this line. A good reader and eloquentist, the deceased was often called upon for classic recitations.

Ill Over Two Years

Mr. Murphy suffered a paralytic stroke on February 29, 1913, from the effect of which he never fully recovered. His whole right side was affected, although he regained partial use of his hand and of more recent date was able to write with it. Three or four months ago he was taken ill again, but recovered sufficiently to return to his office desk. On September 13, this year, Mr. Murphy was again compelled to take to a sick bed. It was his last illness, although he rallied several times during this time only to pass away peacefully, surrounded by his wife and family and friends, yesterday morning.

Besides the widow and daughter, the deceased is survived by two brothers, Charles and Frank Murphy, and a sister, Mary Elizabeth, who reside in New York City.

GREAT NORTHERN TO BREAK RECORD

Hill Liner Will Make Fastest Time
Ever Made From Honolulu
To Coast

Passengers on the Great Northern's first return trip from Honolulu December 6 will cross the Pacific to San Francisco in the fastest time ever made, according to the Great Northern Pacific Steamship Company material.

The liner will make San Francisco in three and a half days, according to plan, instead of four and a half days, schedule time, and thus will shatter the record established by the Korea of the Pacific Mail Steamship Company. The Korea has made the trip in four days and a few hours.

Great Stroke For Islands

This news was contained in a letter from E. A. Berndt, chairman of the Hawaiian Promotion Committee, which was read to the committee at yesterday's meeting. Mr. Berndt wrote:

"The Great Northern is the biggest stroke of success that has ever come our way and is equal to the establishment of this branch office of the promotion committee on the mainland (Mr. Berndt refers to the 168 agencies of the Hill railway and steamship interests)."

Mr. Stone received instructions from Louis W. Hill, president of the Great Northern Railroad Company, to visit the Great Northern on the Honolulu coast, and immediately wired the Hill agents of the Hill lines to "get busy."

Since arriving in Washington Mr. Sexton has talked with Secretary of the Interior Lane about matters of government business in Hawaii. He has also been to see Postmaster General Burleson to further requests for Postmaster Young at Honolulu. The assistant secretary goes about these government errands in behalf of the Territory with no little enthusiasm, because he gained such a favorable impression of the people out there during his brief sojourn. He says he is very glad he visited Hawaii and that he visited it in just the way he did and at that particular time.

There is nothing new yet in the public building situation for Honolulu, beyond Mr. Newton's purpose to expedite as much as he can the purchase of a site and the construction. He has asked that the owners of the Irwin and Spradley sites submit to the Treasury the prices at which they are willing to sell. He expects these figures in by the time he returns from a trip through the West with Secretary of the Treasury McAdoo.

Immense Returns For Hawaii

"The next two years will yield Hawaii greater returns for the promotion committee's work for tourists than all the years past, and the islands are at last in a position to reap the benefit of many years of hard work."

Letters received yesterday from tourist agencies on the mainland brought many requests for tourist literature, indicating a boom for Hawaii, in the opinion of the promotion committee members.

CHILDREN'S COLDS

Why let the children risk their little bodies in such a distressing manner when you can so easily cure their colds with a bottle of Chamberlain's Cough Remedy. For sale by all leading druggists. See Dr. Smith & Co., Ltd., agents for Hawaii.

CASTLE TELLS HOW STOCK INCREASED

Secretary of Rapid Transit Com-
pany Testifies In Injunction
Case In Court

Senator Alfred L. Castle, secretary of Honolulu Rapid Transit & Land Company, was in the witness stand yesterday at both morning and afternoon sessions of the second day of the trial of the injunction suit of the Territory against this public utility corporation, the suit being one to enjoin the company from increasing its capitalization to \$1,500,000.

The trial yesterday was devoid of any startling features. Mr. Castle being interrogated by Attorney Olson, assisting Attorney General Stainback, as to the various increases of capital made by the company since its incorporation. The minutes of these meetings were introduced in evidence and Senator Castle based his replies on what the minutes showed.

First Increase In 1909

He said that the first increase in the capital of the company was authorized at a meeting held on September 18, 1899, when, with 1165 shares of the original capital stock represented, the capitalization was increased from \$200,000 to \$300,000.

The next increase was authorized and voted at a special meeting held on January 25, 1901, when 1987 shares were represented. The increase this time was from \$300,000 to \$500,000. The third increase was ordered at a meeting held on January 30, 1902, when the capital was advanced to \$600,000. Then on May 7, the same year, another increase was authorized, this time to \$1,000,000. At this meeting 1862 shares, out of 2012 represented, voted for the increase, the 150 shares voted against being owned by the McAdams stockholders.

Half Million Stock Dividend

This increase was ratified at a meeting held on June 6 of the same year, when the 9652 shares represented, out of a total of 10,000 issued, voted unanimously for ratification. At this meeting \$500,000 was distributed as a stock dividend.

Humorous incidents of Honolulu's first rail car service, when mules dragged the cars along the streets, before the days of electric juice had dawned here, were told in court. A lawyer was on his way to Waikiki and passing the judiciary building thought of a legal document, then in his pocket, which he wished to file. Being a person of some importance in the community the male driver held the car while Mr. Lawyer attended to the transaction.

Carroll Presentation

The trial of the case will be resumed at ten o'clock this morning. Several weeks are expected to elapse before the end is reached as the case is being presented in a very methodical manner, every document being marked and read as it is filed. From the presentation so far of the case there is every evidence that the points at issue will be presented fairly and fully by both sides in order that a decision may be arrived at and a modus operandi for the future will clear the way for further and more intelligent activities in the development of this system of the public utility.

ASSISTANT SECRETARY OF TREASURY IS ACTIVE

Byron R. Newton Working Hard
For Hawaii In Washington

By ERNEST G. WALKER

(Special to The Advertiser)
WASHINGTON, October 19.—Assistant Secretary of the Treasury, Byron R. Newton, who returned from Hawaii, pressing vigorously the people and the islands, has been doing a lot of active work here of late in their behalf. He communicated with President Wilson about certain matters in the islands and is to have an interview with the President later. Mr. Wilson has said of late that he is much interested in Hawaii but feels the difficulty of obtaining a comprehensive insight into Hawaiian affairs.

Since arriving in Washington Mr. Newton has talked with Secretary of the Interior Lane about matters of government business in Hawaii. He has also been to see Postmaster General Burleson to further requests for Postmaster Young at Honolulu. The assistant secretary goes about these government errands in behalf of the Territory with no little enthusiasm, because he gained such a favorable impression of the people out there during his brief sojourn. He says he is very glad he visited Hawaii and that he visited it in just the way he did and at that particular time.

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It is well understood in Honolulu, according to information here, which site the Treasury is likely to favor if the price is right. Anyhow, Mr. Newton says he proposes to move in the matter as soon as he can.

GIRL DIES FROM BURNS

May Santos, a fifteen-year-old girl, who last Wednesday night poured kerosene oil on her clothes and then set fire to them, sustaining terrible body burns, died at Queen's Hospital. She was the daughter of Mr. and Mrs. Manuel Santos, who live near Cooke and Ward streets.

PERMANENT TARIFF BOARD IS FAVORED

National Chamber of Commerce
Asks Honolulu Body To
Join In Agitation

The national chamber of commerce, according to advice to the local body yesterday, will conduct a vigorous campaign at Washington at the next session of congress looking to the establishment of a permanent tariff commission and upbuilding of the merchant marine.

In view of the administration's opposition to the tariff commission plan, and the announced intention of the administration to enact such a ship purchase bill as was defeated by a filibuster at the last session, the business men's campaign may encounter much opposition, it is believed here.

The Honolulu chamber of commerce now has the question of a permanent tariff commission before it. A committee report recommending endorsement of the plan is expected. The Honolulu chamber in 1913 went on record as favoring the permanent commission. The national chamber will hold its fourth annual meeting at Washington February 8, 9 and 10. The local chamber is entitled to two delegates. They will be selected later.

DIRECTOR TAYLOR GOING TO COAST

Will Boost Tourist Business and
Help Dispose of Hawaiian
Fair Exhibit

To arrange the branch offices at San Francisco and Los Angeles and promote tourist travel along the Coast, A. P. Taylor, director of the Hawaii Promotion Committee, will sail on Wednesday of next week in the Wilhelmina.

Authority for the trip was given yesterday at a meeting of the committee.

Mr. Taylor will reach San Francisco November 9. There he will take up with H. P. Wood, Hawaii fair commissioner, and E. A. Berndt, chairman of the promotion committee, the plan of a San Francisco office.

May Keep Wood On Coast

The committee yesterday expressed the desire that Mr. Wood could be obtained for this position, for six months at least. Mr. Taylor also will cooperate with Mr. Wood in the disposition of the Hawaiian Building's contents.

Then Mr. Taylor will go to Seattle and Portland. He will give lectures there in the interests of more tourists. At Portland he will address the Royal Romanians, who are coming to Honolulu early next year.

Then Mr. Taylor, with Mr. Berndt, will go to Los Angeles to investigate possibilities for bringing more tourists here.

Returns In Hill Steamer

There he will sail on the Great Northern en route to Honolulu on its first trip and Mr. Berndt may go with him. Mr. Taylor will lecture aboard and conduct an observance of Mark Twain Day the evening of November 30.

The coming of the Great Northern is the chief reason for Mr. Taylor's trip. The committee is determined to make extraordinary efforts to increase the tourist business, believing with the new steamer the chance for maximum expansion is at hand.

A meeting of the finance sub-committee of the promotion committee and the fair commission with Secretary Wade Warren Thayer will be held before Mr. Taylor's departure to arrange terms of the disposition of the Hawaiian exhibit at the exposition.

LONDON HAS REPORT

OF PEACE PROPOSAL

(Associated Press by Federal Wireless.)

LONDON, October 26.—It is reported here that Prince von Buelow, former ambassador to Italy, and the German chancellor, Doctor von Bethmann-Hollweg, will soon submit to King Alfonso of Spain and President Wilson an outline of the conditions on which Germany might discuss peace. The report is unconfirmed.

DOUBLY PROVEN

Honolulu Readers Can No Longer Doubt the Evidence.

This grateful citizen testified long and loud. Told of quick relief—of undoubted benefit.

The facts are now confirmed.

Such testimony is complete—the evidence conclusive. It forms convincing proof of merit. G. F. Sebeonell, 1429A Grattan St., St. Louis, Mo., says: "I had lots of trouble from backache and got so lame at times that I could hardly get around. The kidney secretions were disordered and I had to get up several times at night to pass them. I had used over half a box of Doan's Backache Kidney Pills when I got relief. I gradually got well. The backache left. My kidneys became normal and the kidney secretions cleared up. I publicly recommended Doan's Backache Kidney Pills some years ago, after they helped me so much, and it gives me pleasure to confirm my former endorsement."

Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes \$2.50), or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Remember the name, Doan's and take no substitute.

DEPUTY SHERIFF MISSES M'GRATH

While on Wild
Fugitive Chase

Julius W. Asch Soours San Fran-
cisco For Fugitive While Latter
Accepts Service In Divorce Ac-
tion, Hunt Leading Into Mexico

JAILBIRD AND BARTLETT
ARE GUESTS OF RANCHER

But Honolulu Officer Could Not
Get Near Them—Startling
Story of Maladministration At
Prison and Release of Criminal

John J. McGrath, convicted "badger game" artist, who is wanted here for sentence and servitude of a term in the territorial penitentiary, is